Nathaniel Gookin Upham.

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MEMOIR

OF

NATHANIEL GOOKIN UPHAM, LL.D.

Read at the Annual Meeting of the N. H. Historical Society, June 14, 1871.

BY

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By Prof. Daniel J. Noyes, D.D.

Among the useful and distinguished men of New Hampshire, the name of Nathaniel Gookin Upham holds an honorable place. His many virtues in public and private life endeared him to a large circle of friends, and entitle him to grateful remembrance in the State. Mr. Upham was the descendant of a very worthy ancestry, whose long and unbroken line reaches back many centuries into English history. The first of the name that came to this country was John Upham, who was born in England in 1597, and settled in Weymouth, Mass., in 1635. Among his descendants, of the fifth generation, was Rev. Timothy Upham, who was graduated at Harvard College in 1768, and settled in the ministry in Deerfield, N. H., in 1772. For thirty-nine years, till his death in 1811, he was the able and much-respected pastor of the

Congregational church in that town. Rev. Mr. Upham had two sons, both of whom became prominent men in the State. Timothy, the younger of the two, settled in Portsmouth, N. H., as a merchant. He was an efficient officer in the war of 1812, and was much respected in all the relations of life. Nathaniel, the elder son of Rev. Mr. Upham, commenced business in Deerfield, his native town, as a merchant, in 1796. After remaining there a few years, he removed to Portsmouth, and from thence, in 1802, to Rochester, N. H., where he became permanently established in mercantile pursuits. His labors in his chosen occupation were crowned with eminent success. He was a man of very decided ability, and of great influence in the State. He represented the town of Rochester in the State Legislature three years. For two years he was a member of the Governor's Council. From 1817 to 1823, he was one of the representatives of the State in the National Congress. In all these positions, he was distinguished for intelligence, wisdom, and energy.

In 1798 he was married to Judith Cogswell, a woman of great worth, the only daughter of Hon. Thomas Cogswell, of Gilmanton, N. H., who was

an officer in the American Revolution; and subsequently, for a number of years, a judge of the Court of Common Pleas. By this marriage there were eleven children, — seven sons and four daughters. The oldest child is Thomas Cogswell Upham, the author of many valuable works in literature and philosophy, and who was for many years a distinguished Professor in Bowdoin College.

Nathaniel Gookin Upham, the subject of this sketch, was the second child.* He was born in Deerfield, N. H., January 8, 1801. In very early life he manifested an unusual taste for reading, and was more interested in books than in the ordinary sports of childhood. It was his father's intention to give him a common business education, such as would fit him for ordinary

* The other sons are Alfred Upham, M. D., and Francis W. Upham, LL.D., who reside in New York; Joseph B. Upham, for many years a merchant and subsequently Collector of the Port, resides in Portsmouth, N. H.; Timothy Upham, M. D., of Waterford, and Prof. Albert G. Upham, M. D., of Boston, both of whom died many years ago. The daughters of Nathaniel and Judith Upham, were Hannah Elizabeth, who died in infancy; Mary, who married Hon. David Barker, Jr., of Rochester, N. H., Member of Congress, now the widow of Eben Coe, Esq., of Bangor, Me.; Judith, who married Hon. James Bell, of Exeter, N. H., Senator of the United States, and Ruth C., who married Dr. J. Berry, and died May, 1869, at the residence of her only daughter Julia, who married Rev. J. C. Thompson, of Pottstown, Penn.

practical life. But at the suggestion of his older brother, and in accordance with his own wishes, this plan was changed, and he commenced his studies preparatory to college. These he pursued mainly at Exeter Academy, then under the charge of Dr. Abbott, a man greatly respected and beloved by his pupils, many of whom lived to confer honor upon their teacher.

Mr. Upham entered the Freshman class in Dartmouth College in 1816. While a member of College he was distinguished for propriety of conduct, studious habits, and a faithful discharge of all the duties of student life. He was not only faithful, but successful in all the studies then pursued in the College. In literary and classical attainments he had few superiors. He was graduated with honor in 1820.

The years which he spent at Dartmouth were years of trial and adversity to the College, yet they were years distinguished above almost any other equal period in its history, for faithful and successful scholarship. The number in the several classes who gave promise, by their eminent scholarship, of uncommon success in life, and who afterwards fully realized that promise, was unus-

ually large. In the class with Mr. Upham was Hon. George P. Marsh, of whose eminent attainments as a scholar and a statesman, not the College only, but the whole country, is justly proud. Mr. Marsh, in a letter written since the decease of Mr. Upham, speaks of his classmate in the following terms: "He was distinguished in college by conscientious punctuality in the discharge of all the duties of academical life; was an excellent scholar, and was possessed of social traits which secured for him the respect and affection of his college companions." Hon. George W. Nesmith, lately one of the judges of the Supreme Court of New Hampshire, was also a classmate of Mr. Upham. He thus bears testimony to his worth and promise while a member of college: "He excelled in the classics, and was a correct and ready writer. He cultivated a taste for general literature, and was especially fond of poetry. He was regular and attentive to the duties of the hour, prompt in the fulfilment of his engagements, always faithful and industrious. He was a lover of good order, remarkably even in his temperament. I do not know that I ever saw him excited by angry passions, or betrayed into the

expression of disrespectful language towards any one. His manners were well calculated to win others to him, and command influence over them. Hence he acquired popularity, which was the consequence of his uniformly kind deportment towards others. Such were some of the prominent excellences in his college life, which tended to form the basis of the solid and exemplary character which he sustained during his subsequent life."

Immediately after his graduation, Mr. Upham commenced the study of law, in the office of Hon. David Barker, Jr., of Rochester, N. H. Having completed the preparatory studies, he was admitted to the bar, and entered upon the practice of his profession in Bristol, N. H. He remained there in successful practice, securing more and more the confidence of the community in his ability and integrity, and giving increasing promise of an honorable future in his profession, till 1829, when he removed to Concord.

He continued in the practice of the law, in the wider field now opened before him, till 1833, when an important change occurred in his professional life. His accurate knowledge of law, his success in the practice of his profession,

the judicial character of his mind, and his reputation for integrity and general attainments in knowledge, led to his selection for one of the most important and responsible offices in the State. On the retirement of Judge Harris from the bench, Mr. Upham was appointed one of the Associate Justices of the Superior Court of New Hampshire. This honor was the more complimentary as it was conferred upon him at the early age of thirty-two. With the single exception of the Hon. Levi Woodbury, he was the youngest man that had been placed upon the bench in New Hampshire. His faithful and able discharge of the high duties of the office fully justified the appointment. His associates on the bench were all men of ability; some of them rank high among the distinguished jurists of the country. At the time of which we are now speaking, Hon. William M. Richardson was Chief-Justice,— a man greatly respected and beloved by the bar. Hon. Joel Parker, afterwards Chief-Justice, came upon the bench at the same time with Mr. Upham, — a man whom New Hampshire delighted to honor while a citizen of the State, and whose loss

she regretted when he was called to honorable service in a neighboring Commonwealth. A worthy associate of such men, Judge Upham remained upon the bench, discharging with faithfulness and ability the duties devolving upon him till 1843, a period of ten years. The principal reason, probably, of his leaving the bench, and changing almost entirely his mode of life, was the state of his health. It was never firm at best; and the labors of the court, the confinement and exposure incident to the life he was called to lead, were a draft too severe for his constitution long to endure. Other and important considerations also had their influence with Judge Upham in leading him at this time to make a change in what appeared to be his settled life-work,—a work to which his taste inclined him, and for which, in the judgment of many, he was better qualified, by natural and acquired talents, than for any other.

An industrial interest, destined to exert a most important influence on the business of the country, to call into exercise, in an unprecedented degree, its capital and labor, to change in a great measure the ordinary modes of travel and trans-

portation, had arisen within the few years preceding the time of which we are speaking. It was not a new enterprise merely in this country; it was new also in the Old World. Railroads had but recently come into use in England and on the continent of Europe, and there only on a limited scale. No railroad of any considerable importance was built in this country previous to 1830.

The proper management of this department of business was therefore, at that time and for some years after, very imperfectly understood. In 1833 the railroad from Boston to Lowell was completed and opened for use. In ten years from that time, a road connecting with it was extended to Concord, N. H. After the construction of the Concord Railroad, it became an important inquiry with those especially interested in its success, to what leading mind the management of it should be intrusted. The position of general superintendence and control was one of great importance, not only in respect to those pecuniarily concerned, but to the public generally. Very much depended upon the management of the road at first, whether the growing interest in this mode of internal improvements in the State should

be increased and at once made productive of good, or whether it should be checked for years. A man, therefore, suitable in all respects to stand at the head of the newly-constructed work, and direct its affairs, was very desirable. But such a man, at that time, it was not easy to find. Many interests were involved in the new movement. Many important legal questions were likely to arise in connection with it. Great knowledge of men and business, and great skill in affairs generally, were essential qualifications for the position. Attention was turned to Judge Upham, who had been greatly interested in the construction of the road, and whose influence had contributed very much to the completion of the work. He was thought to possess, in a high degree, the requisite qualifications. He resigned his seat on the bench, and accepted the office of Superintendent of the road. When the business of the corporation had so increased as to require a division of the labors devolving upon him, he was appointed President. In managing the affairs of the road, he used great wisdom and judgment. He was careful and considerate; never rash nor hasty; never carried away by his imagination or his feel-

ings, to adopt impracticable or unwise measures. He was very industrious in his appropriate work, — always laboring fully up to his strength, often beyond it. He gave to it his best thoughts, all his legal knowledge, and all his experience. He planned wisely and successfully for the enlargement of the business of the road. He guarded, with great prudence and foresight, against everything that might prove dangerous in any degree to its future success. Very quietly, but with remarkable perseverance, he labored to accomplish his purposes. No difficulties discouraged him. With a mind fertile in resources, and with energy untiring, he overcame all obstacles. His associates in office always found him a careful adviser; never self-confident, never assuming power which did not belong to him. Those who were in his employment, in subordinate positions, have occasion to remember his considerate kindness, and generous appreciation of their services.

When we take into account the inexperience of the country in the management of railroads, the difficulties to be overcome, the labor to be performed, and the various interests to be harmo-

nized, it must be admitted that the road was very successful during the twenty-three years of his connection with it. After giving full credit to others, its success may justly be ascribed, in no small degree, to his wisdom and energy. He held the office of President till 1866, when his connection with the road ceased. In 1853, while still connected with the Concord Railroad, Judge Upham was called to the performance of a very important service for the country. Various claims which had, from time to time, during a period of nearly forty years, been made by citizens of the United States upon the government of Great Britain, and by the subjects of Great Britain upon the government of the United States, remained unsettled, to the great injury of the claimants and the good feeling of the two nations. The reason for this unpleasant state of things which had so long existed, and which had been growing worse from year to year, is to be found in the difficulty of doing justice to the parties concerned. The evidence in respect to some of the claims, especially those of a private character, was often so uncertain and conflicting as to render it difficult to reach a just decision. The more important

cases at issue involved principles of international law, respecting which there existed a great difference of opinion between the two governments. These difficulties had for a considerable time been the cause of unpleasant feeling between the two countries, and constituted an element unfavorable to the continued existence of friendly relations. Efforts had, from time to time, been made to adjust these claims, but without success. They had been the subject of careful investigation and frequent discussion by the ablest American and English diplomatists. No hope of settlement by ordinary methods remained. In this state of things, the two nations entered into a convention February 8, 1853, for the settlement of all existing claims of every kind which had been presented to either government for its interposition with the other, since the treaty of peace in 1814; and such other claims occurring since that time as might be presented to the commissioners within six months of their first meeting. Under this convention a commission of claims was appointed in July of the same year. One commissioner was to be appointed by each government, and the two were to name some third person to act as umpire

in cases in which the commissioners might differ in opinion. Judge Upham was appointed on the part of the United States, and Edmund Hornby, Esq., on the part of Great Britain. Their decision was to be regarded as final, and in accordance with it, all the claims between the two countries were to be adjusted.

The appointment of Judge Upham for this service was regarded as eminently wise. A writer in a leading journal, speaking of it at the time, says: "The numerous friends of Judge Upham will be much gratified with the high mark of distinction conferred upon him. The office to which he is appointed is one of scarcely less importance than that of minister to a first-class power. Its duties require talents of no ordinary character for their correct and proper discharge. Judge Upham possesses all the requisites for an efficient discharge of the duties which this appointment devolves upon him, and will faithfully represent the interests of his countrymen in all the conflicting claims which may come up between the two governments, and their citizens and subjects. In addition to practical good sense and correct business habits, he is a sound lawyer, and a scholar of superior endowments."

The commission met in London, in September, 1853. Within the time allotted them, the commissioners acted upon all the claims that were presented, amounting in the aggregate to many millions of dollars, and pronounced upon each a deliberate and final judgment. In accordance with the decisions thus rendered, the claims were paid by the respective governments, and the difficulties of long standing and growing irritation between the two countries were amicably and satisfactorily settled. The convention was in all respects successful, and is an important illustration of what may be accomplished by friendly arbitration in settling national difficulties. The complete success of the convention must be ascribed, in a great measure, to the candor, prudence, and good judgment of the commissioners. Some of the published decisions of Judge Upham, especially those in which principles of international law are involved, are very able,— an honor to himself and to the country. The entire work of the commission was satisfactory to both countries; and in the judgment of those who best understood the difficulties involved, it was accomplished in a manner entitling the commissioners

to great praise, and to the gratitude of all who were especially interested in the work committed to them.

Mr. Buchanan, then minister to England, in a letter addressed to Mr. Marcy, Secretary of State, at the close of the commission, bears the following honorable testimony to the faithfulness and ability with which the work had been performed: "It would scarcely be possible for any individuals to have discharged those duties in a more satisfactory manner. The business of the commission was conducted by Judge Upham and Gen. Thomas, in their several spheres of action, with much ability as well as indefatigable industry and perseverance; and the result of their labors has proved to be quite as favorable to our country as could have been reasonably anticipated. The action of this commission will be a great relief to the two governments. All the claims of the citizens and subjects of each on the government of the other, which had been accumulating since the date of the treaty of Ghent, December 24, 1814, and had given rise to so much diplomatic correspondence, have happily now been decided, and can no longer become subjects of discussion."

Hon. Edward Everett, who had given much attention to the subject which came before the commission, and who knew as well as any other man in the country the difficulties connected with it, bears testimony equally honorable with that of Mr. Buchanan, to the ability and faithfulness with which the labors of the commission had been performed. In a letter bearing date of April 21, 1855, he writes: "The commission was admirably managed in London. It was certainly important far beyond the space which it fills in the public attention. It disposed of many disagreeable and irritating questions between the two governments; settled practically some points of public law, as far as such a tribunal could settle them; and relieved our diplomacy in London of much of the labor which oppressed it. It was a source of sincere gratification to me that its execution fell into such able hands."

While engaged in this important service for his country, Judge Upham was brought into pleasant relations with many distinguished men of England. During his residence in London he formed an acquaintance with Mr. George Peabody, which ripened into mutual and lasting

friendship. He did not fail to improve, so far as official duties would allow, the favorable opportunities afforded him for the gratification of his taste in the examination of valuable works of literature and art, which are found in the Old World. He visited, as far as he was able, places of especial interest to the American scholar and statesman, in England and on the continent.

The success of the commission in adjusting the difficulties to which we have referred, between the United States and Great Britain, probably led to the selection of Judge Upham for another service of a similar kind. In a commission appointed in 1862 by the United States and New Grenada, for the settlement of claims between the two countries, Judge Upham was chosen umpire. His labors in connection with this office were very arduous, and resulted in an illness from which he did not fully recover for more than two years. At the time of his death his name was prominent for the office of arbiter in a mixed commission between the United States and the Republic of Mexico. Judge Upham was an earnest and consistent advocate of friendly arbitration, as a means of settling international dif-

ficulties. He thought that much might be done in this way to avoid the evils of war; and the success of the convention between the United States and Great Britain confirmed him in his judgment. His views on the general subject are clearly set forth by himself, in an able article in the "Advocate of Peace," in the May and June number of 1868.

In politics, Judge Upham belonged to the school of Jefferson. He had been educated in that school, had grown up in it from his youth, and heartily accepted its general principles and policy. Though decided and pronounced in his political principles, and a prominent member of the party to which he belonged, he was not a politician. He did not enter the arena of politics. His voice was not heard in the counsels of the party. His political influence was felt rather by the weight of his general character, his well-known principles and private suggestions, than by the public exhibition of his views. He did not aspire to office; and in only a few instances did he hold any political office in the State. He was a member of the convention called in 1850, to amend the Constitution of New Hampshire. In

that convention he was chairman of the business committee, and contributed much by his legal ability and general knowledge of the subject in hand, to the successful result which was reached by that body. In 1865 and in 1866, he was a member of the State Legislature, and was very prominent and earnest in advocating the proposed amendment of the National Constitution. During these sessions of the legislature, he was chairman of the committee for remodelling the State House. His labors were untiring in this work, and to him, probably more than to any one else, its successful completion is to be ascribed.

We should signally fail to do justice to the public life of Judge Upham, if we should pass over in silence the important service which he rendered to the country, in the years of its greatest trial and adversity. Difficulties between the North and the South, which had been increasing for some years, brought the two sections of the country into hostile collision in 1861. The storm which had been gathering slowly but surely then broke with terrible violence upon the nation. Judge Upham had never been in sympathy with the political party then in power. He had never

acted with it. He deprecated, in some important respects, its movements. He hoped that by wise counsels, by moderation and continued forbearance, by greater yielding, perhaps, on the part of the North, the existing troubles could be settled, and the terrible crisis avoided. But whatever might have been his views as to the general principles on which the government should be administered, whatever his judgment of the course pursued by the dominant party towards the South, when the inevitable crisis came, all considerations of a personal or party nature were at once laid aside. He no longer inquired how we became involved in trouble, but simply how we could be saved from its consequences. The question with him was national, in the widest and broadest sense of the word. Rising above all sectional feeling, he looked upon the whole country as one, bound together by natural and historic bonds, in whose continued union alone prosperity in every part could be enjoyed, and the nation reach the position of honor and greatness to which it was evidently destined by Providence. He united with wise and good men, of whatever previous political views, in the solemn

and momentous inquiry of the hour, How shall this land of the fathers be saved from the impending ruin? He took an open and decided stand at once on the side of the government, in the exercise of all the influence which he could exert. Probably some of the measures adopted by those in power did not meet his full approval. It was enough for him that they were as a whole wise, and the best that in the circumstances could be secured. He gave them, therefore, his hearty support. It is the opinion of those who are competent to judge in the matter, that no man in the country better understood the great controversy that divided the nation, and that very few contributed more towards the final result, than Judge Upham.

His addresses delivered on public occasions, his letters and essays published in leading newspapers and in pamphlet form, and distributed through the country, were able discussions of the points at issue, and exerted great influence in the cause of the Union. His address on "Rebellion, Slavery, and Peace," delivered in Concord, was afterwards published by the "Loyal League Publication Society," in New York. It

had a wide circulation in all the loyal States. He accepted heartily the emancipation proclamation of President Lincoln, both as to its expediency, and its constitutionality as a war measure. After candid and mature deliberation, he expressed his opinion in regard to the continued existence of slavery in the following words: "There can be no reasonable assurance of a permanent peace while slavery exists." He took even stronger ground in favor of its abolition than is implied in these emphatic words. He held that, "if any one should doubt whether slavery was necessarily the death of the Union, still if he believed its existence would seriously endanger and imperil it, that danger should ensure its overthrow."

During the war he addressed a letter to Hon. Gilman Marston, Representative in Congress from New Hampshire, entitled "The Present Crisis," in which he discussed with candor and ability the principles involved in the controversy between the North and the South. It was published in many of the leading Republican papers of the country, and was received by the friends of the Union with great favor. Those who were intimate with Judge Upham during this dark period

of our history, can testify to his all-absorbing interest in the struggle of his country for existence; his anxiety for her welfare; his readiness to perform any service, and to make any sacrifice for her preservation; and his earnest prayers in her behalf to Him in whose hands are the destinies of nations as well as of individuals. I remember well a short address which he made at Dartmouth College, during the darkest days of the rebellion. With more than his wonted energy he spoke of the interests at stake in the terrible struggle, and urged upon the Alumni of the College who were present their obligations to the country in the crisis through which we were passing. He was always hopeful and assured of success, whatever might be the trials which we should be called to bear. He recognized in the calamities which had come upon us the Hand which had been signal in the early history of the country; which had laid here the foundations of freedom and religion; which had blessed us and made us a blessing to the nations; and his faith in the God of the fathers never failed him. While that Hand was heavy upon us, he understood the meaning of it, and foresaw the result.

He saw, as his own eloquent words expressed it, that "the crisis had come; that the inevitable hour in the destiny of the nation had arrived when we were to be put to the trial, to test the appreciation of the blessings and worth of the heritage of freedom our fathers had bequeathed to us. . . . I desire to thank God, that the spirit of the people is not wanting to the occasion. I trust we shall yet live and die together under the old flag of our fathers."

While Judge Upham was thus engaged in professional and business life, and in the services for his country to which we have referred, he had tastes stronger and more characteristic than those which found expression in the pursuits that mainly fixed the public attention. Much as he loved the law, both its study and its practice; much as he was interested in profound legal investigations and nice judicial discriminations; earnest as he was in the pursuits of practical life, in developing the great industrial interests of the country,—there was beneath all this a strong literary taste, a passion almost for books, which, had circumstances favored, would have given a different shape and direction to his life. This

taste, as we have seen, was natural to him. It was quite remarkable in his early youth, and was a marked characteristic of his student life while in college. In after years, when called to sterner duties and more active pursuits, he never forsook his first love. That early taste was improved and gratified to an extent of which the community around him, and many who were conversant with him in business relations, were little aware. His leisure hours — hours saved from sleep, from unprofitable society, and from unnecessary business — were devoted to literary pursuits. There was no place which he loved so well as his library. It was the only room in his house in which he felt entirely at home. There, after the labors of the day, he found rest of body and rest of mind in communion with his favorite authors. His spirit was refreshed with the rich thoughts and flowing periods of the classic writers of ancient and modern times. He forgot the cares and anxieties of the present, in the quiet and stillness of the past. He escaped, for a time, from the unreasonable and troublesome men of daily life, to the scholars of other times and other lands. The late hours of night often

found him in his chosen place, and at his self-imposed task. His reading was various, embracing almost every field of literature, including ethics, theology, and the best works on practical religion. He had some acquaintance with all the literary works, of any considerable merit, which were from time to time issuing from the press. But while his reading was broad and comprehensive in its range, it was also select. There were subjects to which his tastes did not particularly incline him, and of which he was content to be ignorant. He not only read much, but he read well. He read with an object in view. Every volume that passed through his hands bore evidence of his careful observation. He had a great love for old and rare works, and for choice editions of standard authors; and to the extent of his means placed them upon the shelves of his own library. If he was tempted to extravagant expenditure in anything, it was in this direction. When in England and upon the Continent, the objects which interested him most were rare and curious books and works of art; and in the larger cities of our own country, the places of his frequent and favorite resort were antiquarian bookstores.

He was not only a diligent and various reader, but a very careful and industrious writer. Writing was as much a matter of taste with him, as reading. He did not write from compulsion; he wrote because he loved to write. He wrote with ease, and wrote much. His style as a writer was chaste, pure, and manly. It was always clear and forcible, and, when occasion required, eloquent. The easy and graceful forms of expression in which his thoughts were clothed, are evidence of his culture, and of his familiar acquaintance with the best writers of the language. Nothing unfinished was allowed to pass from his hand, not even an ordinary business letter.

Judge Upham was engaged for many years on a literary work in which he felt great interest, and to which he devoted, in the later years of his life especially, most of his leisure hours. It may properly be termed a "Dictionary of Thought." It is a collection of the best thoughts of authors, ancient and modern, which he had collected in his extensive reading, and also valuable maxims which were the fruit of his own reflections. These are classified according to subjects, in divisions and subdivisions so minute and full,

that anything contained in the collection can easily be found. When published it will make three or four large volumes. It is regarded by those who have carefully examined it, as a work of great merit, and one that will fill an important place in literature. One whose judgment is worthy of confidence, remarks respecting it: "The completeness and extent of this work; its admirable plan; its clear and systematic arrangement; its satisfactory and exhaustive character; its excellence, in whatever light viewed by the critic, — are at once a wonder to the reader, and a proof of the great literary attainments of its author." Among the manuscripts which he left, is a metrical version of the book of Job. It was prepared during the last years of his life, and bears marks of extensive reading on the subject of Hebrew poetry. Though not designed for publication, it is thought by competent judges well worthy of public attention.

Judge Upham never sought occasions for appearing in public; but when such occasions occurred, he met them with appropriateness and ability. On the 17th of June, 1835, agreeably to

a resolution of the Legislature of New Hampshire, Judge Upham delivered a eulogy on Lafayette, the news of whose death had then lately reached this country. It was an occasion, as some now living will remember, of great interest. A large and intelligent audience, composed of the governor and council, both houses of the legislature, distinguished men from different parts of the State, and some from other States, assembled at the North Church in Concord, to hear words appropriate to the solemn event which had called to mourning the friends of liberty throughout the world. The eulogy was received with great favor, and was highly appreciated by all who listened to it. It was afterwards published by order of the legislature. It bears marks of careful preparation, and is a very able as well as appropriate production. The author was judicious in his selection of the important incidents in the private and public life of the distinguished foreigner, and in presenting the prominent traits of his character. It would be difficult to find elsewhere so much valuable information on the life and times of Lafayette, in so brief a space. The eulogy was not only listened to with great interest

by the audience, but was favorably noticed after its publication. The Boston Morning "Post," of July 7, 1835, speaks of it in terms of high commendation. "From a knowledge," says the writer, "of Judge Upham's high reputation as a finished scholar, we were induced to give this production a more attentive perusal than we generally find time to bestow upon those of a similar character. It is worthy of being read, and redounds much to the credit of the author. Correct taste, extensive research, and uncommon ability are all happily combined in its pages. Although it was evidently the design of its author to furnish only an unvarnished history of facts, yet he was occasionally carried away by the sublimity of the subject, and poured forth his feelings in a strain of eloquence of surpassing richness and beauty." Copies of the eulogy were transmitted to the family of General Lafayette. His son, George Washington Lafayette, in a letter to Judge Upham, appropriately and gratefully acknowledged the tribute of respect so ably and gracefully paid to the memory of his honored father.

In 1837, Judge Upham delivered in Concord,

before the Lyceum, an address on cemeteries. He had, in its preparation, an object beyond that of simply meeting appropriately the demand of the occasion. He wished to awaken a deeper interest in the community on the subject of the appropriate burial of the dead. The address is characterized by a careful and extensive examination of the modes and places of burial of other ages and countries, and of the important facts in the history of nations which bear upon the subject. In style and thought, it is a model of composition. His great interest in the subject discussed was afterwards manifested practically, in connection with his fellow-citizens, in securing and preparing the beautiful grounds where his own remains now repose. Many whose friends lie buried there will adopt, as expressive of their own feelings, the beautiful words with which he closed his address on that occasion: "Hallowed be the spot where lie their mortal remains. Let the sod which covers them be kept green by our tears; let the springing bud and the opening flower show by their culture that it is fixed in the memory; let its reflections and associations come home to the heart, and be borne with us

as we struggle on in our daily pathway through this wilderness world. But blessed, thrice blessed, be the hope that from this place of the utter prostration of man's mortal strength, he may rise clothed upon with immortality; and that though our earthly house of this tabernacle be dissolved, there yet may remain to us a rest beyond the grave, a house not made with hands, eternal in the Heavens." He also delivered an address before the New Hampshire Historical Society, on "The Progress of Civil and Religious Liberty in New Hampshire, as exhibited in the various changes in the form of its government, and acts of its Provincial and State Legislature." It evinced careful research, and contained facts important in the history of the State. Judge Upham was one of the original members of the "Concord Society of Natural History," a subject in which he felt great interest. He became a member of the New Hampshire Historical Society in 1833, and continued a most efficient and valuable member while he lived. He was three years President of the Society. In 1862 Dartmouth College conferred upon him the honorary degree of Doctor of Laws.

Such an example of literary culture, of liberal study, of broad and generous scholarship, in connection with the pressing duties of professional and business life, is worthy of special notice and commendation. It is full of encouragement as evidence, not only of what is desirable, but of what is practicable also far more generally than is common. Such labors in the broad field of literature, though not as complete as could be desired, though often interrupted, have a most excellent moral influence. They tend to restrain unreasonable desires for wealth, to check unworthy ambitions, to give breadth, completeness, and grace to character, to enrich the mind with good learning, to quicken and strengthen all its powers, and make it productive of the choicest fruits.

The character of Judge Upham as a citizen is very favorably remembered in the community where he spent the largest part of his life. He was a resident of Concord for more than forty years, and his name is intimately associated with the growth and prosperity of the place during all that time. He was interested in all wise measures for the public good. He was a leading mind in devising methods of improvement

and very efficient in carrying them into effect. Quiet and unobtrusive in his manner, acting with great wisdom and prudence, using modest words and strong arguments on all proper occasions, he made his influence felt to an extent of which few at the time were aware. His fellow-citizens had learned to place great confidence in his judgment, for they knew his prudence and foresight, and that his opinion on any important subject was never formed without careful consideration of everything that pertained to it. Hence he became a pillar in the community; a man on whom others could lean,— on whom they did lean more and more as years passed on. This commanding position was not the result of social qualities especially attractive to the public, or of efforts on his part to win favor. His controlling influence in the community was based wholly on his superior intelligence and good judgment, in connection with the excellence of his general character. His advice was sought, because advice from him was regarded as valuable. His opinions were waited for and listened to, because all had learned that his opinions were wise and safe. At the time of his death there was, perhaps, no man in

the community who inspired more general confidence than he, or who was thought to be more important to the interests of the town.

The influence of Judge Upham in his public and private life, was owing in no small degree to the conviction which was felt by all, that he was an honest man; honest and fair, not only in the formation and expression of his opinions, but honest in the ordinary sense of the word, in all his dealings with his fellow-men, in all his business transactions of every kind. This, indeed, is a tribute of no ordinary character, to pay to a man in the very place where his life-work was performed, and where his character was well known by men of all classes, with whom he transacted business. But it is a tribute which is his due, and which I am happy to pay to his memory as we publicly commemorate his virtnes. He was a man of uprightness and strict integrity, a man who was true to his engagements, faithful to every contract, expressed or implied, doing what he regarded as right in the sight of God and man. This is the judgment which the entire community, with one consent, has pronounced. "It is much to his praise," said

his pastor, Rev. Mr. Blake, on the Sabbath after his funeral, in a discourse appropriate to the occasion, "that it can be justly said of him, he has completed a long life of business with all classes of men, and gone down to his grave without a spot upon him."

Judge Upham was a man of great industry and perseverance. He was patient of labor, shrinking from no task, working usually beyond his strength, and carefully improving every moment of time. Though his health was never firm, yet with great care of himself, and a wise use of his strength, he accomplished more than most men of a sound constitution. He worked to advantage, as well as industriously. He was regular and systematic in all his habits of study and business. He never entered upon any course of action until he had thoroughly examined it. He saw all the difficulties connected with it. He weighed them well. He did not underrate them. He saw, too, the advantages to be gained, and the true grounds of success. From this habit of taking a full view of a subject, and of keeping that view constantly before him, he was earnest rather than

enthusiastic. He expected to meet difficulties, and was prepared for them. When he had once committed himself to an object, he was decided and persevering till it was accomplished.

Early in his professional life, while in the practice of law at Bristol, Mr. Upham took an open and decided stand as a Christian. In the retirement of his room, and at a time of no unusual religious interest in the community, he gave the subject of the Christian religion his most earnest attention, in its relation to his own personal wants. He became fully convinced of his need of a living faith in the Redeemer of men. He accepted Him as his guide in life, and as the ground of his hopes for eternity. He at once united himself in covenant with the people of God. On his removal to Concord, he became a member of the First Congregational Church in that city, and continued a member till 1837. About that time, it was thought desirable, in order to furnish the increasing population of the place with the means of religious instruction, to establish another religious society, and build another house of worship. Judge Upham was greatly interested in this enterprise, if not the

leading mind in originating it. In the organization of the South Church, he was one of the original members, and one of a few leading men in the society who erected their first house of worship. When that was destroyed by fire, in 1859, he was foremost in all the measures taken for building another. To his energy, perseverance, and wise counsels is the present convenient and tasteful edifice very much owing. He felt and manifested, from first to last, a deep interest in all that pertained to the prosperity of the church and society. He contributed liberally to sustain the institutions of religion, and was a constant attendant on the services of the sanctuary and the ordinary meetings of the church. He was a careful student of the Scriptures, accepting them with full confidence as the inspired word of God, and a sufficient rule of faith and practice. He was intelligent in the doctrines of Christianity, — the great facts on which rests the whole scheme of human redemption. He stood with a firm faith, with a confidence never shaken, on the foundation of the apostles and prophets, Jesus Christ himself being the chief corner-stone. In theology he belonged

to the school of Augustine, Calvin, and the early fathers of New England. In church polity, he was a decided Congregationalist, loving the same liberty in the church of which he was ever the strenuous advocate in the state. In his religious life he was not demonstrative, though always firm and decided in his religious opinions, and consistent in his conduct. He was remarkable, above most men, for his recognition of the hand of God in all the events of providence, and for his confidence in His wisdom and goodness, even in the darkest hours of human experience. Believing, as he did, that the Gospel is the only effectual remedy for human woes, the only foundation for individual happiness and national prosperity, he was deeply interested in all wise methods for extending, as widely as possible, the truths of the Christian religion. He was a warm friend of the missionary work in all parts of the world. He was especially interested, for many years, in African Colonization; and never lost his interest or his confidence in this method of benefiting the African race on this continent and in their fatherland. He was for many years President of the New Hampshire Colonization So-

ciety, and held the office at the time of his death. He was a true friend and patron of every good work. The loss of such a man, when such men are so much needed, cannot be estimated.

No one can fully appreciate the character of Judge Upham who did not know him intimately in the retirement of home, in his more private social and domestic relations. He was a man of deep and strong affections, of warm and tender sensibilities. He was very strongly attached to his relatives and near friends. He loved with a tenderness and devotion very remarkable, the parents, the brothers and sisters who composed the family of his childhood and youth. He followed with affection and pride the success of those who began life with him in that early home. He rejoiced in the honors conferred upon them in after life,— more, even, than if they had been conferred upon himself. As one after another of them fell in the race of life before him, he mourned deeply their loss, and most tenderly cherished their memory, while his heart clung to those who remained, and who have survived him, with a still warmer love than before. The same kind, gentle, and affectionate spirit was

the light and joy of his own household, of the home of his maturer years. The cares and perplexities of business were not allowed to intrude into the place sacred to quiet and repose, to domestic love and friendship. He was happy in his home, and he made his home happy. Many are the friends of the family who will long remember the pleasant smile with which he welcomed them to his house, his kind words, and many acts of courtesy by which he showed his regard for them; how heartily and fully he gave himself up to their enjoyment; how freely and without reserve he conversed on all subjects, the minor topics of the day, as well as those which pertained to more important interests. In all such intercourse he was frank, modest, and carefully attentive in all respects to the happiness of his friends. But however free and apparently unguarded in his conversation, he never indulged in ungenerous remarks of others. There was nothing harsh or severe in his nature to prompt the bitter remark or unkind judgment. He loved the society of the young. He entered into their feelings as fully, apparently, as though he were of their age. He contributed to their enjoyment

by humorous and playful remarks, as well as to their instruction by his graver discourse.

In 1867, Rev. W. F. V. Bartlett, now Professor in Oakland College, Miss., spent some months in the family of Judge Upham. In a letter written since his decease to Mrs. Upham, he says: "I had not quite realized till my visit to you that my noble and venerated friend was indeed withdrawn to the better world. I needed to go where I had known him so well, been brought into such familiar, loving contact with him, and there miss his step, his voice, and his smile, miss him in his study and the drawing-room and at the table, in all that dignity and charm which he threw around the family circle, to realize that he was gone. I think no one can know how great and good he was, who had not seen him in the freedom and intercourse of the home circle. It was there that he laid aside that barrier of reserve and inflexible dignity in which he seemed to be encased in public, and showed a heart as simple as a child's, and as pure and delicate as a woman's. How often have I seen his countenance — I see it now — beaming with the light and sweetness of love, as I remember him the winter I spent

with you. He seemed to be invariably cheerful, invariably thoughtful, affectionate, tender towards those around him, never throwing away among strangers, but reserving for his own fireside his most genial words."

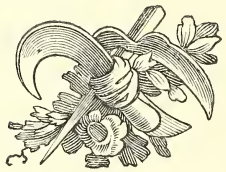
Judge Upham was twice married. His first wife was Miss Betsey W. Lord, daughter of Nathaniel Lord, of Kennebunkport, Me. She died in Concord on the 17th of August, 1833, aged twenty-three years. The two children of this marriage survive, — Mrs. Elizabeth L. Walker, wife of Joseph B. Walker, Esq., of Concord, and Rev. Nathaniel L. Upham, of New Jersey. His second wife, who now survives him, is the daughter of Rev. Abraham Burnham, D.D., pastor for more than forty years of the Congregational Church in Pembroke, N. H. The children of this marriage have both passed away; one, an infant daughter, died in 1844; the other, Francis A. Upham, died in Altoona, Pa., April 3, 1867, aged twenty-nine years.

The most useful and honored life must, at length, come to an end. Near the close of the year 1869, Judge Upham left his home early in the morning for Boston, to transact some important business. For some time previous he had

been uncommonly well, but on that morning he was not in his usual health, though of this he said nothing at the time. Before he reached Boston he was quite ill. He transacted his business with difficulty, and returned to his home on the evening of the same day. He immediately took his bed and never rose from it again. His family physician was called during the night; all was done for him that medical skill could suggest, but in vain. He died on Saturday, December 11, at the age of sixty-eight years.

His funeral took place on the next Wednesday at his late residence, and was attended by a large number of the citizens of the place, and by many friends and acquaintances from abroad. After the funeral services, which were simple and impressive, he was carried by his neighbors and friends to his final resting-place, and laid by the side of those whom he loved so well in life, and whose early death he had so deeply mourned. There with them shall he lie till the heavens be no more. But though dead, he lives still, not only in the higher life of that blessed and immortal existence on which he has entered, but he lives still, in the place and amid the scenes

where in this mortal life he acted his part so well. The influence of a life so pure and so useful can never die. Though we see not again his manly form in the streets and places of business, nor hear again his voice of wisdom and friendship, the friends who survive him will affectionately cherish his memory while they live; and for long years to come his name will be honored in the place he loved so well, and for whose prosperity he did so much.



EXTRACTS FROM A SERMON

Preached by Rev. S. L. Blake, Pastor of the South Church, Concord, N. H., from the text, "I was dumb, I opened not my mouth; because Thou didst it." — *Psalms* 39 : 9.

At one o'clock on Saturday, December 11, 1869, the death of Hon. N. G. Upham, before his illness even was generally known, closed a life of constant toil; and another was added to the representatives of this church at the tribunal above. The swiftly descending stroke, selecting a conspicuous and shining mark, silences every tongue; for God has done it. How well the poet sang, "Death loves a shining mark," and how forcibly does this providence illustrate the truth of the poet's words. On such an occasion our chastened spirits resort to the Psalmist for language with which fitly to express themselves, and we can say no more than this, "We were dumb, we opened not our mouths; because Thou didst it." The blow that fell into this city on the 11th of December, like a quick, sharp thunder-bolt, making men gasp by the shock, paralyzed every tongue, and we could say nothing. Our only resort is to bow submissively to the inscrutable will of God; our only relief is in His infinite wisdom and goodness, without whom not even a sparrow falls to the ground.

We feel that it is well for us to stop to do justice to the memory of one who, though of retiring nature, by very force of his intrinsic worth, filled so large a place of usefulness in the nation, in the State, in the community, and in the church.

Although Judge Upham had been for some time in feeble health, and we looked upon him and feared that God would have need of him and take him from us, yet, for the last few weeks previous to his death, he had been unusually well. Not a sign of his approaching dissolution showed itself. He had been laboring with his accustomed vigor and zeal,

in maturing certain plans he had in mind, for the welfare of the church he loved, and in completing certain labors to which he had devoted his leisure moments for a long series of years.

On the evening of Tuesday previous to his death, he came from his study into his sitting-room, with his hands full of manuscripts, and remarked that he had done a good day's work. On Wednesday, he went to Boston to preside at a business meeting. While on the way he felt premonitions of sickness. He was taken quite ill during the session, but rallied sufficiently to return to Concord Wednesday night unattended. During the night, his symptoms were so alarming that a physician was called. He very soon sank into a stupor, from which he was never fully aroused. His pulse increased in rapidity, as if his life were racing itself away, until his exhausted system yielded, and he lived no longer but in memory.

The poet says, "That life is long which answers life's great end."

That is not always the longest life which is measured by the greatest number of years. What has been accomplished, justly enters more largely into the computation. That life is long in morals and virtue, and every sphere of usefulness, which bears abundant fruit to crown its days though few. The life of man is not a question of years. Lapse of time may not increase vitality. Men who have done a great work, felt it as a fire in their bones. They went forth to their missions under the inspiration of their work, straitened till it was accomplished. The longest and best life is one which thus accurately keeps the measure of its accomplished tasks, and daily sums them up and closes the books, ready to begin an unwritten page on the morrow. We stop to respect the memory of such a life, even though it close at midday; but we turn carelessly from the grave of the hoary idler.

There is a thought to be added to this: that life, though short, is by far longer than years can measure, which no

only fills up its days with its allotted tasks, but also does so unselfishly. We do not, and we cannot, n any broad and genèrous sense, live unto ourselves. In a greater or less degree, every man is neighbor to him who labors with open hands and heart. Every magnanimously active life, not wrapped up within itself, measured by something broader than itself, — that generous spirit which looks with brotherly interest upon every man, — is confined within no geographical limits. A great soul cannot stay burrowed in itself. Its greatness drives it out of itself, and, by its influence, cheers many hearts. The influence begun here is projected upon eternity in every one who has felt it.

It seems to us that the fact to be especially noticed in this respect, in relation to the life of Judge Upham, is, not that he merely filled up the measure of threescore years and ten, but that his life was long because it was useful, — for this reason infinitely longer than its years. It is *certainly* true, that the sphere in which he moved was wide; and especially true, that he performed offices whose good results others are still reaping. We think, also, that he was a man who measured duties, and diligently discharged them as best he could. He strove to make every day count in the summing up of the acts of his life; and therefore he has closed a career which is far longer than his years.

It is refreshing to believe that one who has been in positions of such prominence as have been filled by our honored friend, was actuated by a Christian spirit, there are so few worthy men in places of public trust to-day. Public men are not all honest and sincere, partly because they do not respect, even much less cultivate, a spirit of self-denial, which is the child of earnest piety. When one such man comes to places of trust, we feel that we need him and cannot spare him.

Judge Upham may have been too retiring in his Christian character to do himself justice; but he had such a character. It was positive and pronounced, and would not compromise

one jot nor one tittle of what he believed to be right and the truth. It is much in his praise that it can justly be said of him, he has completed a long life of business, in contact with men of every character, and gone down to his grave without a spot upon him. He was actuated by motives too purely and sincerely Christian, to be morally capable of narrow selfishness. And therefore we think he was ready for the Master who came to him as a thief in the night. His impulses were too generous to allow him to neglect this momentous question. He had breadth of view enough to see that this towers infinitely above all questions of a temporal nature. In this, we can but say he is a fit example for the men of business who know him, with whom he was associated. In his Christian and public career, Judge Upham won many friends to weep at his grave.

One who knew him well, in speaking of his death in connection with that of other distinguished men during the past six months, said: "No one of the deceased exerted a more salutary influence than Judge Upham, and the departure of no one is the cause of more general regret."

At an early age he manifested an unusual aptitude for books. He entered Dartmouth College in 1816, at the age of fifteen, and graduated in 1820. He took fine rank as a scholar, and during his course evinced those literary tastes of high and critical order, for which he was ever more distinguished than people were generally aware.

His Alma Mater showed her appreciation of her honored son by conferring upon him, in 1862, one of the highest degrees in her gift, — that of LL.D.

Judge Upham was a man of fine literary taste, and devoted the hours of his leisure to solid reading, and literary and historical research. Whoever has examined his library — a choice collection of rare works — will bear us witness that this is not mere eulogium, but simple truth. He had traversed well the field of literature, and was familiar with the lead-

ing authors. His knowledge of them was critical. It was not his habit to glide over the surface, but to go deep enough to find the pearls, if there were any. We find passages from many works which he read, which were seized by his practised mind, and indicated by a mark from the ready pencil. A copy of Matthew Henry's commentary, we were surprised to know, was filled with these way-marks of his thoughts. It is a proof of his diligence as a student, and his evident taste for literary pursuits, that he found time, amid the engrossing cares of professional life, to make such extended and varied investigations outside the line of his business and profession. He was enabled to do this, partly because his habits of study were methodical. His mind was like the reaper, that completes his work as he proceeds, and lays every bundle of gathered grain in its place. He did not ramble, but travelled laboriously, if we may use the figure. His literary taste was critical, almost to a fault. What would satisfy many minds would appear to his to contain errors. He never would leave a sentence until it was polished to the utmost. A literary work upon which he had long been engaged, had been subjected to many severe revisions at his hands, which most would have thought unnecessary. Besides being methodical, he was a man of great persistence,—a quality which he inherited from his father. He exhibited this in every work to which he put his hands. He was not accustomed to know such a word as defeat. He had an intelligent knowledge of the doctrines of the Scriptures beyond that of most men; his opinions of sermons and his views of preaching were those of a man who knew, and hence were always valuable. His knowledge of law and the principles of international law, is sufficiently evinced by the positions he was called to occupy. There is hardly an exigency in which Judge Upham's advice has not been sought by individuals, societies, the State, the nation; and it has usually been found safe to follow the suggestions of his wisdom. Said one, who could speak from

knowledge, "He was one of those strong men, whose council it is never safe to disregard, and who, without an effort, obtain a deep hold upon the community in which they dwell." The breadth and accuracy of his knowledge eminently fitted him to be a wise and judicious counsellor.

It is proof of his persistency as a student, that he occupied his leisure moments, for more than forty years, in preparing a work which he left, nearly ready for the press. The last labor he did at home, was upon this volume, Tuesday evening before his death. It is a collection of rare proverbs or maxims, gathered from every possible source, requiring unusual research and patience.

Author after author had to be consulted with critical care. This was his great life-work, lying outside the usual routine of business. In all his researches he kept this object steadily in view. The arrangement of the book into topics and divisions and subdivisions, shows a methodical and careful mind. It is interesting to notice that in Judge Upham's definition of a proverb, a religious or moral thought enters largely.

He says: "I define a Proverb to be,— *A brief, pointed saying, illustration, or simile, designed as a general rule of conduct, or instruction approved and often repeated by the people.*" He continues, "I am aware that this definition differs materially from that of distinguished writers on the subject, but it is given after much reflection, and I believe is the only proper definition of a Proverb. It attaches to them at once a fixed and elevated character, and renders them as choice perfected rules of conduct of investigation and inquiry." He says, "Proverbs are often highly figurative and poetical, conveying their moral like a condensed fable. . . . Their aim is, at all times, to give lessons of life."

At the time of the death of his son, the work upon this volume was for a time suspended. The interval was not a season of idleness. Homer and Dante, and many other poems, had been translated into English. Judge Upham conceived the

idea that Job might be translated into attractive English verse; and he did it. His work received the commendations of distinguished scholars. In its preface he has spoken of Hebrew poetry with a knowledge of the genius and spirit of the language that surprised us.

Owing to his retiring nature, his rare qualities of head and heart were known only to those most intimately acquainted with him. Said a friend, on the day of his burial, "To know Judge Upham, one needed to know him intimately." And yet, there were times when his qualities shone like burnished gold

The loss sustained by Judge Upham's death is wider than any section The services he rendered this government make his death a serious loss to this country.

Add to the labor which he performed in London, in adjusting claims involving millions of dollars, the work which he did for this government in 1862, at Washington, in adjusting similar claims between us and New Granada, — the unanimous verdict will be that his death is a loss to this country.

It is a loss to this State and to this community, for like reasons. He has served too long and well, and in capacities too public, to have his death a matter of indifference to those for whom he labored, or to have it looked upon as an ordinary event. It is not that a commanding form will be seen no more in our midst, but that a wholesome, generous, and positive influence is removed. He was one of those men whom we cannot afford to lose. He was wanted wherever a soul needed to feel the throbbings of a noble spirit.

His death is a loss to this society. He was one of the sixty-seven members who colonized in 1837, from the North Church, to form this. He was one of the thirty who signed the rules and by-laws of the South society, on the first of April, 1835, and his name was prominent among those who were concerned in its formation. He was one of seven who were united in constructing the first house of worship, in a time of

financial trouble that tried men's souls. In all the trying times through which this society has passed from the first, until now, Judge Upham has been to it a tower of strength. When the old house was burned, his voice was heard in the counsels which resulted in the new. His wisdom and foresight were almost prophetic, detecting possible contingencies, and making ample and legal provision for them. His judgments and wisdom were as beacon-lights, — safe to follow. The interests of this society were near his heart; and he had the satisfaction of seeing it grow up from small beginnings to what it is now, through his efforts, in co-operation with others. It is a hard blow to us to lose him. May the Lord in wisdom strengthen us to take up the burden he has laid down.

His death is a loss to his family. But no curious hand may presume to lift the veil to pry into the sacred secrets of this sorrow. We can only commend them in their grief to Him in whom all fulness dwells.

His death is a loss to this church in particular. In early manhood he became a Christian. It is said, the first his friends knew of his religious experiences, his elder brother heard him offering a prayer in a prayer-meeting in Bristol. When he removed to Concord, in 1829, he brought a letter to the North Church. In 1837, he was one to help form the South Church. He walked in its fellowship nearly thirty-three years. His religious life was not demonstrative. It did not express itself so much in fitful spasms as in a calm and steady progress. His Christian character left no doubts as to its genuineness in the minds of those who knew him. It showed itself in the lively interest with which he talked upon religious themes and matters relating to the interests of the church; in his love for and study of the Scriptures, of whose doctrines he had an unusually clear and intelligent conception; in his intelligent confidence in the providences of God, and readiness to see the love that moved an afflicting hand, so that he was enabled with resignation to look up and kiss the rod that smote him; in his

interest in the public services of religion manifested by his presence and respectful and undivided attention, so much so, that if Judge Upham was away, every one knew there was cause; and in his warm friendship for his pastor. We shall miss him as much as you will, from his accustomed place.

The life of Judge Upham is an example of what may be accomplished by an undivided purpose and indomitable perseverance, in the face of serious obstacles. It was unquestionably a great help to him, as it is to any man, to have some great work lying at hand to occupy leisure moments. It requires courage, and Judge Upham possessed it. Besides, he labored a large part of his life under the restraints of ill health. The labor which he required of himself nerved him constantly for his tasks, and kept his mind fresh and vigorous as youth. His thoughts did not grow old.

His religious life is worthy of imitation. The engrossing cares of his profession did not hinder him from attending, in the outset of his career, to the more important business of salvation. As these cares multiplied, they did not hinder him from seeking growth in grace, nor from making himself familiar with the word of God, and its proper interpretation. We think his sincere devotion to the will of God was one of the elements of his true greatness. He has left a lesson worthy to be learned by all men engrossed with the cares of life. He is among the many who are proofs that the truest nobility of heart and mind lies in singleness of purpose and sincerity of aim, guided by a will that bows to the authority of God.

Judge Upham's life illustrates the fact that we may be making impressions which will be lasting, when we least suspect it. It is not noise that does most; but silent, honest, diligent labor. The forces in nature that are lifting mountains, shaking the earth, demolishing towns, clothing the fields with verdure, and filling our granaries, are silent and unseen. But we none the less enjoy their fruits, or feel their startling

effects. A sincere and generous life, though quiet, seldom thrusting itself into prominence, is like these forces.

It is also cheering to consider that while for over thirty years he has been a blessing to this church, this church has been a blessing to him, and as a school in which he has been trained for the church above. He has been all this time ripening for Heaven by influences which we all throw around each other, and which are thrown around us all. He was ready, and God took him from the church militant to the church triumphant.

The memories which such lives leave behind them are imperishable. Men accumulate millions, and seek to perpetuate the memory of their names, by castings of bronze,— but they will be forgotten, and their monuments crumble; while the fragrance of a holy life will remain, and distribute itself to remotest generations. The duration of such memories can be measured only by eternity.

The curtain has dropped to hide the scenes of another life, which has gone to fulfil its higher destiny, and act its nobler part in eternity. At the last moment the eye that had been dimmed by disease, sparkled with unwonted brilliancy, and the face glowed with a heavenly light. It seemed like a ray from out the eternal glory; and when it was taken back, the soul went with it, to see the fulness of the vision that irradiated it in its last earthly moment. May the great Head of the Church stimulate us to greater diligence in His service, that it may be said of us, as of him who has gone, *Blessed are the dead which die in the Lord.*

1573-865